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In re Patent of

Acton, et al.

Patent No. 6,881,231

Issue Date: April 19, 2005

Application No. 10/014,795

Filing Date: December 14, 2001

Attorney Docket No. 3948-4

Decision on Petition

This is a decision on the petition under 37 CFR § 1.183, filed July 26, 2005, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition is being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data.

The request under 37 CFR 3.81 is dismissed.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

The instant petition is dismissed because the completed PTOL-1050 previously submitted on April 25, 2005 does not list the correct assignee. It only requests deletion of the incorrect

assignee. Clarification of petitioner's desire is requested. If petitioner desires a Certificate of Correction deleting the incorrect assignee and listing the correct assignee, please submit a completed PTOL-1050 to that effect with any reconsideration petition.

Regarding finances, because petitioner filed the petition under 37 CFR 1.183, a \$400.00 petition fee was charged to petitioner's deposit account. The petition is being treated as a request under 37 CFR 3.81(b). Therefore, only a \$130.00 fee is due. The balance, or \$270.00, will be credited to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

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The file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E Sherene Wills E. Shirene Willis **Petitions Attorney**

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